

## REMARKS

Claims 1-4 were in the application. Claim 4 was allowed. Claims 1-3 were rejected on the basis of obviousness-type double patenting. Claim 1 was rejected in view of Ozanich.

Applicant has canceled claim 1, as subject matter of claim 1 (subsequently amended) was addressed in a parent application. Applicant has amended claims 2-4 and added new claims 5-20 to more fully claim Applicant's invention.

As for original claim 2, Applicant has amended this claim for purposes of clarifying the claimed subject matter. Claim 2 is directed to a method for determining a best match shade based on specified steps. Original claim 2 was rejected only on the basis of obviousness-type double patenting. Amended claim 2 also is submitted to be allowable. As for the double patenting rejection, Applicant respectfully traverses this rejection, as the subject matter of amended claim 2 and the subject matter claimed in USP 7,097,450 are distinctly different. Claim 2 of the present invention recites particular steps of a shade prediction method, while USP 7,097,450 does not claim such particular steps. Accordingly, Applicant respectfully requests that this double patenting rejection be withdrawn.

As for original claim 3, Applicant has amended this claim to recite characteristics of the measuring instrument (i.e., use of a color measuring assembly that generates data of a first average optical depth based on light received by a first light source/light receiver pair and that generates data of a second average optical depth based on light received by a second light source/light receiver pair, wherein the second average optical depth is different from the first average optical depth). New claim 14 parallels amended claim 3 but recites other characteristics of the measuring instrument (i.e., use of a color measuring assembly that generates data via a first light source/light receiver pair of a first sensitivity based on a thickness of a material of the dental object and that generates data via a second light source/light receiver pair of a second sensitivity based on a thickness of a material of the dental object, wherein the second sensitivity is different from the first sensitivity). Claims 3 and 14 are submitted to be patentably distinct from the prior art and from Applicant's USP 6,726,476. Accordingly, withdrawal of the double patenting rejection of original claim 3 in view of USP 6,726,476 and allowance of claims 3 and 14 also are respectfully requested.

As for original claim 4, Applicant has amended this claim in order to correct informalities noted in the claim. Applicant submits that amended claim 4 remains in condition for allowance.

Applicant further notes that the remarks above reference only the pending independent claims. The features recited in the dependent claims further distinguish Applicant's invention from the prior art, and allowance of these claims also is respectfully requested.

No new matter has been added. An IDS and form 1449 are being submitted separately.

Please charge any additional fees due, or credit any overpayment, to Deposit Account No. 50-0251.

Respectfully submitted,



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I hereby certify that the foregoing is being deposited with the U.S. Postal Service, postage prepaid, to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated above.

